

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

WALLACE A. GARDNER, ADC # 110784

PLAINTIFF

v.

5:16CV00024-JJV

CHRISTOPHER BUDNIK, Deputy Warden,
Varner Unit; *et al.*

DEFENDANTS

ORDER

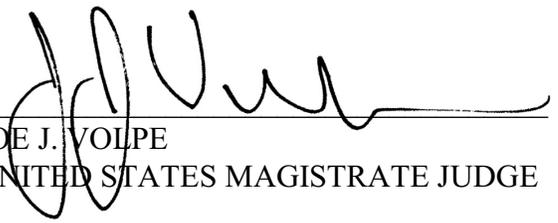
Wallace A. Gardner (“Plaintiff”) is a “three-striker” within the meaning of the Prison Litigation Reform Act.¹ I initially allowed him to proceed *in forma pauperis* after finding that his allegations, taken as true, indicated he was in danger of imminent physical injury. (Doc. No. 10.) Plaintiff’s *in forma pauperis* status was revoked on March 4, 2016, however, after I determined that, based on Defendants’ evidence, he was not in physical danger. (Doc. No. 30.) At that time, I directed Plaintiff to pay the full filing fee within fourteen days. (*Id.*) On March 22, 2016, Plaintiff requested a sixty-day extension to tender the filing fee. (Doc. No. 39.) Later that day, I extended the deadline by thirty days and cautioned Plaintiff that this would be the only extension he would receive on this issue. (Doc. No. 40.) The deadline has now passed and Plaintiff has not submitted the fee. He was warned that failure to pay the fee would result in this action being dismissed without prejudice. (Doc. No. 30 at 2.)

IT IS, THEREFORE, ORDERED that:

1. Plaintiff’s Amended Complaint (Doc. No. 9) is DISMISSED without prejudice.
2. All pending motions are DENIED as moot.
3. The Clerk of Court shall close this case.

¹See *Gardner v. Kelley, et al.*, 5:15CV00223-SWW; *Gardner v. Hutchison et al.*, 4:15CV00650-JLH; and *Gardner v. Fox et al.*, 4:14CV00197-JM.

DATED this 27th day of April, 2016.



JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE